

REMARKS

In the Office Action dated October 20, 2005, claims 1-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cordery et al in view of Motley.

The Examiner stated the Cordery reference discloses a postage meter machine having a processing unit, but does not disclose the data transmission device or the monitoring device connected as set forth in claim 1, and does not disclose that the processing unit controls a connection setup to the telecommunication network by the data transmission device dependent on usage status information.

The Examiner relied on the Motley reference as disclosing a data transmission device connected to a processing unit, which the Examiner stated operates as set forth in claim 1. The Examiner stated it would have been obvious to a person of ordinary skill to modify the postage meter machine disclosed in the Cordery reference in accordance with the teachings of Motley, in order to provide a device that is able to communicate with a postage metering device through telecommunication, which additionally verifies the products data and its origin.

In the claims as originally filed, the term "usage data" was intended to mean a level of collective usage of a telecommunication line that can be accessed by multiple communication devices. The problems associated with the use of such a shared telecommunications line are described in the introductory portion of the present specification. As discussed in more detail below, Applicant does not agree that the Motley reference discloses or suggests monitoring a telecommunication line for the purpose of determining a usage status thereof, with the meaning of "usage status" that was intended in the claims as originally filed. Nevertheless, the

independent claims (claims 1, 7 and 9) have been amended to make clear that the telecommunication line is a shared telecommunication line, and that the usage status represents usage of that shared telecommunication line by a further communication device connected thereto, which shares the shared telecommunication line with the postage meter machine. Making this feature explicit in the independent claims has made the language in certain of the dependent claims redundant, and therefore the redundant language has been cancelled from the dependent claims.

Moreover, at all locations in all of the claims, the term "telecommunication line" has been changed to "shared telecommunication line."

Applicant respectfully submits that none of claims 1-14 would have been obvious to a person of ordinary skill in the field of postage meter machine and postage meter system design, under the provisions of 35 U.S.C. §103(a) based on the teachings of Cordery et al and Motley, for the following reasons.

Applicant does not disagree that the Cordery reference discloses the basic components of a postage meter machine or system, including a processing unit. Applicant also agrees that the Motley reference discloses monitoring a telecommunication path for certain purposes, but submits that the monitoring that takes place in the Motley reference has nothing to do with monitoring the usage level of a shared telecommunication line to determine whether that shared telecommunication line is being used by another communication device that is separate from a communication device that is attempting to set up a transmission via the communication path.

The Motley reference teaches monitoring of the communication path to determine whether data to be transmitted via the communication path should be

compressed and, if so, to set a degree of compression of the data. The telecommunication apparatus 35 shown in Figure 2 of the Motley reference has multiple input lines, and as can be seen in the more detailed block diagram of Figure 3a, a number of those lines may involve different types of data (facts data, voice data, modem data, etc.). Therefore, if any of those lines represent different communication devices, or different types of communication devices, they all proceed *into* the telecommunication apparatus 35, and either through a router 7 (Fig. 1) or a cell site interface 39 and cell site equipment 41 (Fig. 2), all of the lines proceed to the frame relay cloud 17 or the RF cloud 47.

In the embodiment of Figure 1, a remote manager 31 is provided that also can communicate via a router 9 with the frame relay cloud 17. Since the multiple lines proceed into the telecommunication apparatus 35, which also communicates with the frame relay cloud 17, the remote manager 31, despite whatever monitoring it may undertake, can have no influence on the operation of any of the devices connected to the input lines to the telecommunication apparatus 1.

Therefore, the frame relay cloud 17 in the embodiment of Figure 1 and the RF cloud 47 in the embodiment of Figure 2 of the Motley reference do not represent shared telecommunication lines that should be monitored as to usage by another communication device before setting up a connection by the communication device in question. As noted above, if multiple devices are present in the Motley system, these are all connected *before* the telecommunication apparatus 1, and thus have nothing to do with the usage of the telecommunication path represented by the frame relay cloud 17.

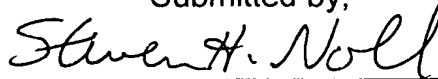
Moreover, the usage of the router 7 between the telecommunication apparatus 1 and the frame relay cloud 17 would seem to make monitoring usage status, in the sense set forth in the independent claims of the present application, superfluous.

Applicant therefore submits that neither the Cordery et al nor Motley reference provides any teaching, motivation, inducement or guidelines for modifying the Cordery et al reference in accordance with the teachings of Motley in a manner that would guide a person of ordinary skill in the field of postage meter machine and design to arrive at the subject matter of any of independent claims 1, 7 or 9 of the present application. None of those independent claims, therefore, would have been obvious to a person of ordinary skill under the provisions of 35 U.S.C. §103(a) based on the teachings of those references.

Claims 2-6 add further structure to the non-obvious postage meter machine of claim 1, and therefore none of those dependent claims would have been obvious to a person of ordinary skill in the relevant technology for the same reasons discussed above in connection with claim 1. The same is true with regard to claim 8, which depends from claim 7, and claims 10-14, which depend from claim 9.

All claims of the application are therefore submitted to be in condition for allowance, and early reconsideration of the application is respectfully requested.

Submitted by,



(Reg. 28,982)

SCHIFF, HARDIN LLP
CUSTOMER NO. 26574
Patent Department
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
Telephone: 312/258-5790
Attorneys for Applicant.

CH1\ 4506191.1